

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #4	CCRB Case #: 201501431	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/11/2015 6:30 AM	Location of Incident: § 87(2)(b)	Precinct: 52	18 Mo. SOL 8/11/2016	EO SOL 8/11/2016	
Date/Time CV Reported Sat, 02/14/2015 11:38 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 02/27/2015 1:41 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Michael Fahy	2697	941727	WARRSEC
2. SGT Gonzalo Corredor-Torres	02573	918883	WARRSEC
3. DT3 Joseph Parchen	4196	937246	WARRSEC
4. An officer			WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.SGT Gonzalo Corredor-Torres	Abuse: Sgt. Gonzalo Corredor-Torres entered and searched § 87(2)(b) in the Bronx.	§ 87(2)(b)
B.SGT Gonzalo Corredor-Torres	Force: Sgt. Gonzalo Corredor-Torres pointed his gun at § 87(2)(b)	§ 87(2)(b)
C.DT3 Joseph Parchen	Force: Det. Joseph Parchen pointed his gun at § 87(2)(b)	§ 87(2)(b)
D.DT3 Michael Fahy	Force: Det. Michael Fahy pointed his gun at § 87(2)(b)	§ 87(2)(b)
E. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	§ 87(2)(b)
F. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
G. An officer	Force: An officer used a chokehold against § 87(2)(b)	§ 87(2)(b)
H. An officer	Force: An officer restricted § 87(2)(b)'s breathing.	§ 87(2)(b)
I. An officer	Force: An officer used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On February 14, 2015, § 87(2)(b) filed this complaint with IAB via telephone. The complaint was forwarded to the CCRB via § 87(2)(g) on February 27, 2015.

At approximately 6:30 a.m. on February 11, 2015, Sgt. Gonzalo Corredor-Torres, Det. Michael Fahy, Det. Joseph Parchen and Det. Jason Wolfenhaut of the Warrant Squad traveled to § 87(2)(b) in regards to an open I-card for § 87(2)(b) § 87(2)(b) is a two-story residential building with a single-room occupancy setup on the second floor. Sgt. Corredor-Torres, Det. Fahy and Det. Parchen went inside, while Det. Wolfenhaut remained in the van. The officers spoke to the building's caretaker, § 87(2)(b) who told the officers that § 87(2)(b) lived upstairs in one of the single rooms. The officers went upstairs and knocked on § 87(2)(b)'s door.

§ 87(2)(b) spoke to the officers through the door, but refused to open the door. After several minutes, Sgt. Corredor-Torres ordered Det. Fahy to retrieve a battering ram and knock down § 87(2)(b)'s door (**Allegation A**). All three officers then entered § 87(2)(b)'s room. He alleged that the officers all drew and pointed their guns at him (**Allegations B, C and D**). § 87(2)(b) was told, "Get the fuck down," and, "If you move, I'll kill you," but he did not know which officer or officers made these statements (**Allegation E and F**). One of the officers then grabbed § 87(2)(b) by his collar. The constriction of the collar around § 87(2)(b)'s neck restricted his breathing (**Allegations G and H**). § 87(2)(b) was then pushed to the ground, where an officer placed a boot on the back of his neck (**Allegation I**). § 87(2)(b) was then placed in handcuffs and removed from the apartment. § 87(2)(b) was transported to the 52nd Precinct and arrested on an open § 87(2)(b) complaint.

Mediation, Civil and Criminal Histories

§ 87(2)(b)'s complaint was ineligible for mediation due to his arrest. A notice of claim request was sent to the Comptroller's office on May 15, 2015. It will be included in the case file upon receipt. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b) has been involved in three prior CCRB complaints (See Board Review 02: § 87(2)(b)'s CCRB History):
 - § 87(2)(b)
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- Sgt. Corredor-Torres has been a member of the service for eighteen years, and there are no substantiated CCRB allegations against him. He has been a subject in three previous CCRB complaints, none of which involved entry or gun point allegations.
- Det. Fahy has been a member of the service for eight years, and there are no substantiated CCRB allegations against him. He has been a subject in one previous CCRB complaint, which did not involve a gun point allegation.

- Det. Parchen has been a member of the service for ten years, and there is one substantiated CCRB allegations against him. In case #200910015, a search allegation was substantiated against him. He has been a subject in six additional CCRB complaints, none of which involved gun point allegations.

Findings and Recommendations

Allegation A: Abuse of Authority – Sgt. Gonzalo Corredor-Torres entered and searched

§ 87(2)(b)

It is undisputed that officers broke § 87(2)(b)'s door down with a battering ram and entered his room. It is also undisputed that the decision to do so was made by Sgt. Corredor-Torres, and that § 87(2)(b) was alone in his room at the time. It has also been established that the officers possessed an I-card for § 87(2)(b)'s arrest at the time of the entry (See Board Review 03: NYPD Documents – I-Card).

§ 87(2)(g)

§ 87(2)(b) was interviewed at the CCRB on March 10, 2015, and answered several follow-up questions by phone on March 30, 2015 (See Board Review 04: § 87(2)(b)'s CCRB Statements). He stated that he was the only person in the room at the time of the entry.

Sgt. Corredor-Torres and Det. Fahy were interviewed at the CCRB on April 24, 2014, while Det. Parchen was interviewed on May 7, 2015 (See Board Review 05: Officer Interviews). All three officers stated that Sgt. Corredor-Torres made the decision to enter the room after Det. Wolfenhaut reported over the radio that § 87(2)(b) was standing by his bedroom window. Sgt. Corredor-Torres stated that he felt that this indicated that § 87(2)(b) was about to escape, and that the officers needed to enter in order to apprehend him before he got away. He also stated that he had heard a female voice inside of the apartment, and that he feared that § 87(2)(b) who was wanted for assault, might try to harm the female. Det. Fahy and Det. Parchen, however, made no mention of any other individuals, male or female, suspected of being in the apartment with § 87(2)(b). When asked why they had entered, they both only cited the possibility of § 87(2)(b) escaping through the window.

An officer requires an arrest warrant in order to enter a private residence to effect an arrest. An I-card does not satisfy this requirement. *People v. Holmes*, 2014 N.Y. Misc. LEXIS 3216 (Crim. Ct. New York Cty., 2014). Absent a warrant, an officer may enter a private residence if there is an exigent circumstance, such as a person's life being threatened, or a suspect about to escape from the scene of a crime. *People v. McBride*, 2010 NY Slip Op 3473 (2010) (See Board Review 06: Legal References).

§ 87(2)(g)

Sgt. Corredor-Torres explained his decision by stating that he feared for the safety of an alleged female inside of § 87(2)(b)'s room. He stated that he feared that § 87(2)(b) would somehow

harm the female if the officers did not intervene. His claim of a female voice in the apartment, however, is uncorroborated. § 87(2)(b) assented that he was the only person in the room, and none of the other officers mentioned hearing any other voices inside, male or female. Moreover, Det. Wolfenhaut was only alleged to have mentioned seeing § 87(2)(b) – and § 87(2)(b) only – through the exterior window. Upon entry, no females were found in the room with § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

Sgt. Corredor-Torres stated that he was at the door for about ten minutes before entering it, and that he only did so when Det. Wolfenhaut reported that § 87(2)(b) was seen by the window. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B: Force – Sgt. Gonzalo Corredor-Torres pointed his gun at § 87(2)(b)

Allegation C: Force – Det. Michael Fahy pointed his gun at § 87(2)(b)

Allegation D: Force – Det. Joseph Parchen pointed his gun at § 87(2)(b)

§ 87(2)(b) alleged that all of the officers who came to his room pointed their guns at him after the door was broken down. The officers all denied either drawing or pointing their guns at any point during the incident. § 87(2)(g)

Allegation E: Discourtesy – An officer spoke discourteously to § 87(2)(b)
Allegation F: Threat of Force – An officer threatened § 87(2)(b) with the use of force.
Allegation G: Force – An officer used a chokehold against § 87(2)(b)
Allegation H: Force – An officer restricted § 87(2)(b)'s breathing.
Allegation I: Force – An officer used physical force against § 87(2)(b)

§ 87(2)(b) alleged that one of the officers told him, “Get the fuck down,” and, “If you move, I’ll kill you.” He further alleged that one of the officers grabbed him by the front of his shirt collar, and that the subsequent constriction of the shirt around his neck restricted his breathing. § 87(2)(b) also alleged that once he was taken to the ground, an officer placed his boot on the back of his neck. § 87(2)(b) was unable to describe any of the officers who entered in any detail, and was not able to differentiate the actions of one officer from the other. As such, he did not know if these actions were all taken by one officer or different officers.

All three officers denied that any profanity was used towards § 87(2)(b) or that any officer threatened to kill or otherwise harm him. The officers denied that § 87(2)(b) was placed on the floor, or that any officer placed his boots on § 87(2)(b)'s body. The officers denied that any officer made contact with § 87(2)(b)'s neck or collar, or that § 87(2)(b) complained of having any difficulty breathing at any point.

§ 87(2)(g)

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Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date